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Attorneys for Defendant Cummins Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

T.J. McDermott Transportation Co., Inc.,	:	
DEMASE WAREHOUSE SYSTEMS, INC., HEAVY	:	
WEIGHT ENTERPRISES, INC., P&P ENTERPRISES	:	
CO., LLC, YOUNG'S AUTO TRANSPORT, INC.,	:	
HARDWICK ALLEN, AND JOSE VEGA,	:	Civil Action No.:
Plaintiffs,	:	2:14-cv-04209
	:	(WHW)(CLW)
vs.	:	
CUMMINS, INC., and PACCAR, INC. d/b/a	:	NOTICE OF
PETERBILT MOTOR COMPANY AND	:	CUMMINS INC.'S MOTION TO
KENWORTH TRUCK COMPANY,	:	STRIKE PURSUANT TO FED.
Defendants.	:	R. CIV. P. 12(f)
	:	Return Date: November 7, 2016
	:	Oral Argument Requested

TO: ALL COUNSEL IN THE CAPTIONED MATTER:

PLEASE TAKE NOTICE that on November 7, 2016, or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendant Cummins Inc. ("Cummins") will move this Court at the United States District Court for the District of New Jersey, Martin Luther King, Jr. U.S. Courthouse and Federal Building, 50 Walnut Street, Room 4015, Newark, New Jersey,

for entry of an Order granting Cummins' motion to strike paragraph 15 of Plaintiffs' Third Amended Complaint, specifically the words "and later model years" from the definition of "Subject Engines."

PLEASE TAKE FURTHER NOTICE that, for purposes of this Motion, Cummins will rely upon the accompanying brief and the Declaration of Leah Threatte Bojnowski, both of which are being filed and served herewith; and

PLEASE TAKE FURTHER NOTICE that Cummins requests oral argument regarding the Motion; and

PLEASE TAKE FURTHER NOTICE that a proposed Order is annexed hereto pursuant to L. Civ. R. 7.1(e).

Respectfully submitted,

CUMMINS INC.

By its Attorneys,

/s/ Kurt M. Mullen

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Dated: October 7, 2016